



## APPLICANT EVALUATION AND NOMINATION COMMITTEE

180 HOWARD STREET, 6th FLOOR, SAN FRANCISCO, CALIFORNIA 94105-1639

(415) 538-2001

### STATE BAR COURT PRESIDING AND HEARING JUDGE FACT SHEET

The California Supreme Court's Applicant Evaluation and Nomination Committee (AENC) is seeking qualified candidates to serve as State Bar Court Judges upon completion of the terms of office of incumbent judges, effective November 1, 2006.

The State Bar Court is the independent, adjudicative entity acting as an administrative arm of the California Supreme Court to hear and decide attorney disciplinary and regulatory proceedings and to make recommendations to the Supreme Court regarding those matters. The State Bar Court consists of a three-member Review Department and a Hearing Department composed of five full-time hearing judges in Los Angeles and San Francisco.

The Presiding Judge and two Hearing Judge positions will be filled. Appointment of the Presiding Judge and one of the Hearing Judges will be made by the Supreme Court based on ratings and recommendations of the AENC. The Governor will appoint the other Hearing Judge from among the applicants found qualified by the AENC. The salary for the position of State Bar Court Presiding Judge is \$149,160 per year. The salary for the position of State Bar Court Hearing Judge is \$136,216.

#### Qualifications

A State Bar Court Judge:

- Shall have been a member of the State Bar of California for at least five years;
- Shall not have any record of the imposition of discipline as an attorney in California or any other jurisdiction; and
- Shall meet the requirements established by rule 961 of the California Rules of Court and Government Code section 12011.5 [industry, legal and judicial experience (including prior service as a judge of the State Bar Court), judicial temperament, honesty, objectivity, community respect, integrity, and ability].

By law, preference is granted to persons with prior judicial experience.

## **Job Description**

**Presiding Judge:** The primary responsibilities of the Presiding Judge of the State Bar Court include (1) acting as a member of the three-judge Review Department to review decisions and orders of State Bar Court hearing judges on a *de novo* basis upon the request of one or both parties to the proceeding; (2) providing for overall supervision of calendar management and assignment of judges for all matters within the jurisdiction of the State Bar Court; (3) acting as primary spokesperson for the State Bar Court; (4) presiding at meetings of the State Bar Court Executive Committee, at meetings of the combined Review and Hearing Department judges and at all meetings of the Review Department; and (5) taking reasonable measures to assure the prompt disposition of matters before the judges of the State Bar Court and the proper performance of the judges' other adjudicatory responsibilities.

In addition, the Presiding Judge acts as part of the three-member Review Department in acting upon requests for emergency or interlocutory relief in pending attorney disciplinary and regulatory proceedings and in acting upon matters delegated to the State Bar Court pursuant to rule 951 of the California Rules of Court. The duties of the Presiding Judge (and other review judges) include: reviewing and analyzing the record of proceedings for the State Bar Court Hearing Department; participating in periodic Review Department conferences and in oral argument; and writing both published and unpublished opinions detailing all material findings of fact, conclusions of law and a decision or recommendation for discipline or other appropriate disposition of the proceeding. The Presiding Judge (and other review judges) must manage the preparation and decision of the individual cases to which he or she is primarily assigned on an expeditious and efficient basis and must cooperate with the other judges of the Review Department in the consideration and disposition of the Review Department's caseload.

**Hearing Judge:** The primary responsibilities of a State Bar Court Hearing Judge are (1) to hear and decide attorney disciplinary and other State Bar regulatory cases; (2) to make written recommendations to the Supreme Court regarding the imposition of discipline or other appropriate disposition in those matters that require Supreme Court action; and (3) to perform related judicial duties. The duties of the Hearing Judge include: scheduling and holding status, settlement and pretrial conferences; hearing and ruling upon motions; scheduling and holding trials; writing decisions and orders detailing all material findings of fact and conclusions of law; and issuing other orders as necessary. Each Hearing Judge must manage his or her caseload expeditiously and efficiently.

In carrying out his or her duties, each State Bar Court judge is subject to the administrative direction of the Presiding Judge of the State Bar Court and must cooperate with other judges and court officials in the administration of court business, including preparing administrative reports and attending periodic judicial conferences.

## **Appointment and Term**

The State Bar Court Presiding Judge will be appointed by the California Supreme Court and may be located in either Los Angeles or San Francisco. The Presiding Judge will be appointed to a six-year term, commencing November 1, 2006.

The Hearing Judge position in San Francisco will be appointed by the Supreme Court to a term of six years, commencing on November 1, 2006. The State Bar Court Hearing Judge position in Los Angeles will be appointed by the Governor to a term of six years, commencing November 1, 2006.

State Bar Court Judges have the same immunity which attaches to judges of California courts of record and are subject, during their terms, to admonition, censure, removal or retirement upon the same grounds as provided for judges of courts of record.

## **Review and Rating of Applicants for Appointment**

Pursuant to rule 961 of the California Rules of Court, the Supreme Court has created the Applicant Evaluation and Nomination Committee to solicit, receive, screen and evaluate all applications for appointment or reappointment to any appointive position of judge of the State Bar Court. Only applicants found to be qualified by the Committee or the Supreme Court may be appointed.

The Committee must submit its evaluation or rating of the applicants and any recommendation for appointment to the Supreme Court and to the applicable appointing authority no later than July 7, 2006.

An extensive professional and personal history, references and background investigation, and personal interview may be required. Early applications are highly encouraged. **THE DEADLINE FOR RECEIPT OF APPLICATIONS IS 5:00 P.M. ON FRIDAY, APRIL 7, 2006.**

Application forms and questionnaires are available on the State Bar's website at [www.calbar.org](http://www.calbar.org). For further information or to request an application packet by mail, please call:

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